

STATISTICAL INFORMATION ONLY: Debtor must select the number of each of the following items included in the Plan.

Valuation of Security Assumption of Executory Contract or Unexpired Lease Lien Avoidance

Last revised: September 1, 2018

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY**

In Re:
William Fitzgerald

Case No.: 19-25580

Judge: _____

Debtor(s)

Chapter 13 Plan and Motions

☒ Original

☐ Modified/Notice Required

Date: _____

☐ Motions Included

☐ Modified/No Notice Required

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE

YOUR RIGHTS MAY BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the *Notice*. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the *Notice*. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

The following matters may be of particular importance. Debtors must check one box on each line to state whether the plan includes each of the following items. If an item is checked as "Does Not" or if both boxes are checked, the provision will be ineffective if set out later in the plan.

THIS PLAN:

☐ DOES ☒ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☒ DOES ☐ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☒ DOES ☐ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney: pZ

Initial Debtor: wf

Initial Co-Debtor: _____

Part 1: Payment and Length of Plan

a. The debtor shall pay \$ 900.00 per month to the Chapter 13 Trustee, starting on _____ for approximately 60 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

☒ Future earnings

☒ Other sources of funding (describe source, amount and date when funds are available):

Any recovery, after exemptions, from son and/or daughter in law will be applied towards plan payments.

c. Use of real property to satisfy plan obligations:

☐ Sale of real property

Description:

Proposed date for completion: _____

☐ Refinance of real property:

Description:

Proposed date for completion: _____

☐ Loan modification with respect to mortgage encumbering property:

Description:

Proposed date for completion: _____

d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☒ Other information that may be important relating to the payment and length of plan:

Pursuant to 42 U.S.C. Section 407(a), the debtor(s) are not offering their entire Social Security income into the Chapter 13 Plan since those monies are not subject to execution, levy, attachment, garnishment, or other legal process, or to operation of any bankruptcy or insolvency law.

Part 2: Adequate Protection ☒ **NONE**

a. Adequate protection payments will be made in the amount of \$ _____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor).

b. Adequate protection payments will be made in the amount of \$ _____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: _____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
CHAPTER 13 STANDING TRUSTEE	ADMINISTRATIVE	AS ALLOWED BY STATUTE
ATTORNEY FEE BALANCE	ADMINISTRATIVE	BALANCE DUE: \$2820.00
DOMESTIC SUPPORT OBLIGATION		

b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:
Check one:

☒ None

☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid
	Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount.		

Part 4: Secured Claims

a. Curing Default and Maintaining Payments on Principal Residence: ☐ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
PNC Bank Mort 1		\$23,000.00		\$23,000.00	Regular post petition payments will continue outside the plan on all secured debts in this section
Pnc Bank Mort 2		\$14,500.00		\$14,500.00	
Delran Taxes		\$4000.00		\$4000.00	
Ashley Crossing		\$415.00		\$415.00	
NJ American Water		\$117.00		\$117.00	

b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: ☒ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)

c. Secured claims excluded from 11 U.S.C. 506: ☒ NONE

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation

d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments ☐ **NONE**

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

**NOTE: A modification under this Section ALSO REQUIRES
the appropriate motion to be filed under Section 7 of the Plan.**

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid
Anna Marie Killino	9 Ashley	\$1500.00	\$230,000.00	\$270,207.00	\$0.00		\$0.00
Barbara Rosbochil		\$400.00			\$0.00		\$0.00
Margaret Forcella		\$400.00			\$0.00		\$0.00
Marilyn Mascibroda		\$5080.00			\$0.00		\$0.00
Mattia Shea		\$500.00			\$0.00		\$0.00
Estate of Joseph Burns		\$1300.00			\$0.00		\$0.00

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

e. Surrender ☒ **NONE**

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt

f. Secured Claims Unaffected by the Plan ☐ NONE

The following secured claims are unaffected by the Plan:

Wells Fargo Dealer Services - 2011 Chevy Impala - Collateral belongs to Daughter. All payments will be made by her

g. Secured Claims to be Paid in Full Through the Plan: ☒ NONE

Creditor	Collateral	Total Amount to be Paid Through the Plan

Part 5: Unsecured Claims ☐ NONE

a. Not separately classified allowed non-priority unsecured claims shall be paid:

☐ Not less than \$ _____ to be distributed *pro rata*

☐ Not less than _____ percent

☒ *Pro Rata* distribution from any remaining funds

b. Separately classified unsecured claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid

Part 6: Executory Contracts and Unexpired Leases ☒ NONE

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment

Part 7: Motions ☐ NONE

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service, Notice of Chapter 13 Plan Transmittal and valuation* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f). ☒ NONE

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided

b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured. ☐ NONE

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified
Anna Marie Killino	9 Ashley	\$1500.00	\$230,000.00	\$270,207.00	\$0.00	All liens are wholly unsecured
Barbara Rosbochil		\$400.00			\$0.00	
Margaret Forcella		\$400.00			\$0.00	
Marilyn Mascibroda		\$5080.00			\$0.00	
Mattia Shea		\$500.00			\$0.00	
Estate of Joseph Burns		\$1300.00			\$0.00	

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. ☒ NONE

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon confirmation
- ☐ Upon discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Standing Trustee shall pay allowed claims in the following order:

- 1) Ch. 13 Standing Trustee commissions
- 2) Law Office of Peter Zimnis
- 3) Secured creditors
- 4) priority creditors / general unsecured creditors

d. Post-Petition Claims

The Standing Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification ☐ NONE

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being modified: _____.

Explain below **why** the plan is being modified:

Explain below **how** the plan is being modified:

Are Schedules I and J being filed simultaneously with this Modified Plan?

☐ Yes

☐ No

Part 10: Non-Standard Provision(s): Signatures Required

Non-Standard Provisions Requiring Separate Signatures:

☒ NONE

☐ Explain here:

Any non-standard provisions placed elsewhere in this plan are ineffective.

Signatures

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Plan.

By signing and filing this document, the debtor(s), if not represented by an attorney, or the attorney for the debtor(s) certify that the wording and order of the provisions in this Chapter 13 Plan are identical to Local Form, *Chapter 13 Plan and Motions*, other than any non-standard provisions included in Part 10.

I certify under penalty of perjury that the above is true.

Date: _____

/s/ William Fitzgerald
Debtor

Date: _____

Joint Debtor

Date: _____

/s/ Peter Zimnis
Attorney for Debtor(s)

Certificate of Notice Page 11 of 12

United States Bankruptcy Court
District of New JerseyIn re:
William E Fitzgerald
DebtorCase No. 19-25580-ABA
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-1

User: admin
Form ID: pdf901Page 1 of 2
Total Noticed: 52

Date Rcvd: Aug 22, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Aug 24, 2019.

db
 518403535 +William E Fitzgerald, 9 Ashley Dr, Delran, NJ 08075-5407
 518403527 +ARS, re Emer Phys of SJ, 1643 Harrison Pkwy, Fort Lauderdale, FL 33323-2857
 518403528 Advanced ENT, POB 95000-5585, Philadelphia, PA 19150
 518403530 +Alltran Financial, POB 4045, Concord, CA 94524-4045
 518403531 +Amex, pob 981537, El Paso, TX 79998-1537
 518403533 +Anna Marie Killino, 7 Auburn Dr, Riverside, NJ 08075-1705
 518403532 +Apex Asset Management, re: Larchmont, 2501 Oregon Pike Ste 120, Lancaster, PA 17601-4890
 518403532 +Apex Asset Management, re: Eye Care Phys & Surge, 2501 Oregon Pike Ste 120, Lancaster, PA 17601-4890
 518403534 +Arcadia recovery Bureau, re: Cooper, POB 70256, Philadelphia, PA 19176-0256
 518403536 +Ashely Crossing HOA, 721 Dresher Rd Ste 100, Horsham, PA 19044-2220
 518403537 +Barbara Rosboschil, 49 Haines Mill Rd, Riverside, NJ 08075-1747
 518403539 +Capehart & Scatchard, re: File No 9609-71239, 8000 Midlantic Ave Ste 300S, Mount Laurel, NJ 08054-1526
 518403541 +Chase, POB 24696, Columbus, OH 43224-0696
 518403542 +Cooper U. Health Care, POB 95000-4345, Philadelphia, PA 19195-0001
 518403544 +Delran Twp Tax, 900 Chester Ave, Riverside, NJ 08075-9703
 518403545 +Emergency Phys of SJ, POB 740021, Cincinnati, OH 45274-0021
 518403546 +Eric's Nursery, 528 Mt Laurel Rd, Mount Laurel, NJ 08054-9523
 518403547 +Fein Such Kahn & Shepard, re: PNC Bank vs Fitzgerald F 25399-18, 7 Century Dr, Ste 201, Parsippany, NJ 07054-4609
 518403548 +GEHA, POB 21542, Saint Paul, MN 55121-0542
 518403549 +Jefferson Univ Phys, POB 40089, Philadelphia, PA 19106-0089
 518403551 +KML Law Group, PNC vs. Hutchinsin F 11850-19, 216 Haddon Ave, Ste 406, Collingswood, NJ 08108-2812
 518403550 +Kennedy Med Grp, POB 95000, CN 4570, Philadelphia, PA 19195-0001
 518403552 +Larchmont Med Imaging, 1295 Rt 38 W, Hainesport, NJ 08036-2702
 518403553 +Margaret Forcella, 227 Bentwood Dr, Riverside, NJ 08075-1511
 518403554 +Marilyn Mascibroda, 1422 Sienna Dr, Riverton, NJ 08077-3372
 518403555 +Mattia Shea, 12 Holyoke Dr, Riverside, NJ 08075-1604
 518403556 +Medexpress Billing, POB 14000, Belfast, ME 04915-4033
 518403557 +Mt Laurel EMS, POB 467, Lumberton, NJ 08048-0467
 518403558 +NJ American Water, POB 371331, Pittsburgh, PA 15250-7331
 518403559 +Optimum Outcomes, re: Lourdes, POB 58015, Raleigh, NC 27658-8015
 518418561 +PNC BANK, NATIONAL ASSOCIATION, Fein Such Kahn & Shepard, PC, 7 Century Drive, Parsippany, NJ 07054-4673
 518403561 +PNC Bank Mortgage, 6750 Miller Rd, Brecksville, OH 44141-3239
 518403562 +PNC Bank, Corp Headquarters, 3232 Newmark, Miamisburg, OH 45342-5421
 518403560 +Patient First, 4000 Rt 130N Bldg C, Riverside, NJ 08075-2414
 518403563 Portfolio Recovery Svc, 120 Corp Blvd, Ste 100, Norfolk, VA 23502
 518403564 +Radiology Assoc of Burl, 1295 Rt 38 west, Hainesport, NJ 08036-2702
 518403567 +The Estate of Joseph Burns, 152 Whitemars Way, Riverside, NJ 08075-2216
 518403568 +Virtua Health, 2000 Crawford Pl, ste 100, Mount Laurel, NJ 08054-3920
 518403570 +Wells Fargo, POB 10335, Des Moines, IA 50306-0335
 518418877 +Wells Fargo Bank, N.A., 435 Ford Road, Suite 300, St. Louis Park, MN 55426-4938
 518403571 +Wells Fargo Card Services, POB 5284, Carol Stream, IL 60197-5284
 518403572 +Wells Fargo Dealer Srv, POB 1697, Winterville, NC 28590-1697
 518403569 +virtua Med Grp, POB 6028, Bellmawr, NJ 08099-6028

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
smg

E-mail/Text: usanj.njbankr@usdoj.gov Aug 22 2019 22:08:32 U.S. Attorney, 970 Broad St., Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534

smg
+E-mail/Text: ustpreion03.ne.ecf@usdoj.gov Aug 22 2019 22:08:32 United States Trustee, Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100, Newark, NJ 07102-5235

518403529 E-mail/Text: bnc@alltran.com Aug 22 2019 22:08:29 Alltran Financial LP, POB 722929, Houston, TX 77272-2929

518403538 +E-mail/Text: info@chcollects.com Aug 22 2019 22:08:38 C+H Collection Services, re Cooper, 1 Federal Street N-100, Camden, NJ 08103-1091

518403540 E-mail/Text: clientrep@capitalcollects.com Aug 22 2019 22:08:38 Capital Collection Service, POB 150, West Berlin, NJ 08091

518403543 +E-mail/Text: bankruptcy_notifications@ccsusa.com Aug 22 2019 22:08:37 Credit Coll Services, re: Jefferson U Phys, POB 607, Norwood, MA 02062-0607

518403565 +E-mail/Text: colleen.atkinson@rmscollect.com Aug 22 2019 22:08:38 Receivables Management Sys, re: Patient First, POB 73810, Richmond, VA 23235-8047

518405597 +E-mail/PDF: gecsedirecoverycorp.com Aug 22 2019 22:16:39 Synchrony Bank, c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021

518403566 +E-mail/PDF: gecsedirecoverycorp.com Aug 22 2019 22:16:48 synch/Lowes, POB 530914, Atlanta, GA 30353-0914

TOTAL: 9

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

District/off: 0312-1

User: admin
Form ID: pdf901

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Total Noticed: 52

Date Rcvd: Aug 22, 2019

***** BYPASSED RECIPIENTS (continued) *****

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Aug 24, 2019

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on August 21, 2019 at the address(es) listed below:

Isabel C. Balboa ecfmail@standingtrustee.com, summarymail@standingtrustee.com
Peter E. Zimnis on behalf of Debtor William E Fitzgerald njbankruptcylaw@aol.com
R. A. Lebron on behalf of Creditor PNC BANK, NATIONAL ASSOCIATION bankruptcy@feinsuch.com
Rebecca Ann Solarz on behalf of Creditor PNC Bank, National Association
rsolarz@kmlawgroup.com
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 5